Docket No.: 60468.300201 (prior INFOP002)

Item 3 (§103(a) rejections):

Claims 1-20 are rejected as being obvious over McArdle et al. in view of Hussey. Respectfully, this is error.

As a preliminary point, we observe that both of these references teach systems that "see" the e-mails and examine their content. In the case of McArdle, the system acts as a proxy that intercepts an e-mail to determine if it should be forwarded to recipients (see e.g., Abstract *"the Agent intercepts e-mail normally bound for the mail server ..."*). Accordingly, the e-mail is not a single "secure e-mail" all of the way between the sender and the recipient here. In the case of Hussey, the system is an actual recipient of the e-mail (see e.g., Abstract *"[t]he system include a plurality of clients disposed for communication with a database server ..."*). In contrast, the claimed invention does not send its secure e-mail 14 via its security server 24 (its "key server")(see e.g., FIG. 1). As depicted by the solid lines in FIG. 1 for stages 38 and 40, the secure e-mail 14 is sent via the EMail Server 22 (typically an entirely conventional e-mail server), and it remains secure all of the way from the sender to the recipient. This is a key distinction of the claimed invention over the prior art, such as McArdle and Hussey, and provides the clear advantage that a security server, acting alone, can never breach the security of the secure e-mail.

Turning now specifically to the text of item 3, the Action here states *"wherein the message id, message keys are stored in a server to be received by sender and the receiver (see fig.3, item 380; col.3, lines 26-67 and col.4, lines 1-27 and col.2, lines 44-46) ...."* However, item 380 is *"back-end server software 380 running on a server computer"* (col. 9, ln. 62-63) and what has been missed here is that this is a different server than Applicant's security server. Applicant's security server stores keys but never needs to receive the secure e-mail. In contrast, McArdle *"works in conjunction with a standard mail server ... to ensure that ... e-mail adheres to the policies that are specified for a given site. The Agent intercepts e-mail normally bound for the mail server and checks to make sure that it conforms with policies .... If the e-mail adheres to the policies ..., it is forwarded to the mail server where it is routed to the intended recipient."* (col. 3, ln. 27-36, emphasis added).

Consider claim 1 (sending), it has <u>no</u> step sending the secure e-mail to the security server. The e-mail is composed by the sender (step a), key procurement ensues with the security server (steps b-c), the e-mail is encrypted to form the secure e-mail (step d), and the secure e-mail is sent to the recipients. The encryption in step d is implicitly elsewhere than at the security server,

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since it is nonsensical for it to carry out the password procurement with itself (steps b-c). Consider claim 11 (receiving), it also has no step sending the secure e-mail to the security server. Again, there is only key procurement with the security server (steps b-c). Step a of claim 11 is explicitly at the receiver, and the remaining decryption is implicitly elsewhere than at the security server, since it is again nonsensical for it to carry out the procurement steps with itself. If a secure e-mail were sent to a security server, as part of sending or receiving, and the security server were to do something with that secure e-mail, the result would not be "said secure e-mail" but rather a second, altered e-mail. The same rationale applies to claim 21.

In summary, both McArdle and Hussey fail to teach or reasonably suggest a system that can implement secure email communication without intercepting each e-mail. This is a major disadvantage that the present claimed invention overcomes. As regards the rest of item 3, we urge that the dependant claims are allowable for the same reasons already discussed for independent parent claims 1, 11, and 21.

CONCLUSION

Applicant has endeavored to put this case into complete condition for allowance. It is thought that the §103 rejections have been completely rebutted. Applicant therefore asks that all objections and rejections now be withdrawn and that allowance of all claims presently in the case be granted.

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